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most of such books in the latter half of the nineteenth century. It may be stressing a point unduly to see reflected in these titles fundamental changes in the whole outlook of the authors on their subjects. But it is a fact that they are no longer dealing with the law of a particular class in the community, as they did in Holt's day, nor with a distinct part of the law on which the marks of a foreign brand are still discernible, as they did after Mansfield's death, nor even with the law governing a particular type of pursuit of constantly increasing importance, — commerce. They attempt to deal with every kind of transaction that has a place in the economic world. In other words, they attempt to summarize practically the entire field of law. At least it would be easier to enumerate the omissions, such as family law and certain phases of criminal law, than to enumerate the inclusions. Hence, all of the better written of these books begin with an apology and end by making a more or less arbitrary selection of legal rules and principles from text-books on every branch of the law. The two most recent books attempt to cover Contracts, Agency, Sales, Negotiable Instruments, Corporations, Partnership, Property. That of Conyngton and Bergh adds chapters of Insurance, Suretyship and Bankruptcy as well as twenty pages of highly explosive "forms" not sufficiently labeled with danger signs. Within each of the subjects the books differ widely in the topics chosen for elucidation. Yet if we consider the widely different histories of these books their agreement so far as it goes, in the selection of topics is quite significant. Mr. Bays' book comes from the pen of a teacher of experience who has already given us a whole series of books on the topics covered as well as the most pretentious case book on the subject that has so far appeared. (It is interesting that the case method is being widely used in the teaching of business law. Besides Mr. Bays' book, those of Reed, Pierson and Callender and Huffcut and Woodruff [Contracts] are being used.) The other book is a condensation, or rather an adaptation, of a work that appeared a few years ago as a manual for businessmen rather than a schoolbook. A glance at the scope of the other works of this type — they are all collected in *The Journal of Political Economy*, volume xxiii, 529 ff., and volume xxviii, 113 ff. — shows a gradual approximation, not without some queer deviations, to the scope of these books.

The significance of the trend of these books seems to be this: that the writers while ostensibly piecing together bits of a lawyer's library for a business man, are unconsciously doing a far more important piece of work. They are analyzing business relations and bringing together the raw material for a study of how the law affects or serves business. Such studies come tantalizingly near to furnishing a real contribution to jurisprudence, but they stop short. May we not expect some such service eventually from our graduate schools of business administration? It is only by subjecting the actual workings of business to a scientific analysis that we can hope to understand just how the law works or fails to work in life.

NATHAN ISAACS.

THOUGHTS ON THE UNION BETWEEN ENGLAND AND SCOTLAND. By A. V. Dicey and R. S. Rait. New York: The Macmillan Company.

This book is an interesting example of the light that can be thrown by legal analysis upon some of the central problems of political science. It has all the characteristic marks of Professor Dicey's work — a superb clarity, a positive instinct for the essentials, and a command of the relevant materials that is in a high degree enviable. The authors have set out to examine the causes of the success which attended the Legislative Union of 1707. It is an interesting problem. Few nations have had a history more full of rivalry and warfare than the partners to that famous compact. From the bitterness of the past, from sepa-

rate legal and religious systems there had to be built a single state, even while the distinctiveness of the two nationalities was to be preserved. The effort was successful; and it is for the most part an explanation of that success that the authors essay. They give us what is by far the most succinct account of the main features of Scottish parliamentary government before 1707. Mainly it is a government elected by the Lowland freeholders and with a relation to the administrative process that is entirely singular in English history. What rendered legislative union essential was the Revolution of 1688. Though the Scottish Parliament never became the focal point of national life — that honor was reserved for the General Assembly of the Presbyterian Church — it did, after 1688, receive an immense impetus of power. Union was necessary, from the English standpoint, for the sake of uniformity, and to avoid the difficulties the Hanoverian succession would inevitably have raised. To Scotland it was essential in the interest of commercial prosperity. The antagonism to the union was intense; and it is of interest that its root should have been a revival of Scotch nationalism. What secured the triumph was the superb statesmanship of those who drafted the measure. In law and in religion they gave the Scottish Parliament all the guarantees that pride and self-interest might desire, at the same time that they gave Englishmen certain special advantages they had long desired. The act is a revolutionary document. It created a single state from two kingdoms. It placed the government of Scotland under the power of a predominant and sovereign partner. Nor did the act work well at the outset. From 1707 until 1760 it made its way to popularity only with grave difficulty. There was political unity without moral agreement. It was not until the next half-century that the spiritual union of the two civilizations was secured.

The authors rightly point out that the act of union has had a success without adequate historical parallel. It preserved intact the essence of Scottish nationality, while it gave to Scotland the superior benefits of English administration. What will occur to the reader is the different history of the Irish Union. The authors do not mention it, though doubtless it is in their mind. If it is their inference that what has been true of Scotland could be made true of Ireland, the answer surely is that not even the period (1886-1905) of economic conciliation had any sensible influence. They might argue that the statesmanship of 1707 was absent in 1800; that Ireland should have been given the safeguards upon which Scottish wisdom insisted. But the answer surely is that the only alternative to accepting the Scottish terms was conquest, while Ireland was already conquered. Legislative union is a specific for equals. It does not efface the tragic blunders of seven hundred years.

HAROLD J. LASKI.

JOHN ARCHIBALD CAMPBELL, ASSOCIATE JUSTICE OF THE UNITED STATES SUPREME COURT 1853-1861. By Henry G. Connor, LL.D., Judge of the United States Court for the Eastern District of North Carolina. Boston and New York: Houghton Mifflin Company. 1920. pp. 310.

This is a sober, careful biography of a judge of the Supreme Court perhaps best known to-day as a concurren in the opinion of the Chief Justice in the *Dred Scott* case. But in the life of Judge Campbell was far more of the quality of drama than is to be found in the lives of most of his fellow justices, even in that troubled time — a quality, one imagines, alien alike to his wish and his temperament.

He was born in Georgia, but practiced law in Alabama, from which state he was called to the Supreme Court at the age of forty-one. To that bench he brought great learning and industry; in his opinions, his conception of the relative positions of state and federal governments is plainly discernible, but